

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHELSEA L. DAVIS,

Plaintiff,

v.

MCKOOL SMITH, *et al.*,

Defendants.

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Civil Action No. 3:14-CV-3975-N

**ORDER**

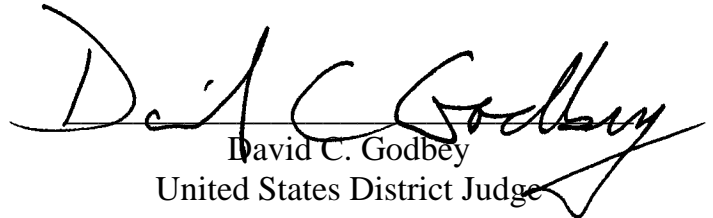
This Order addresses Plaintiff Chelsea L. Davis’s motion for sanctions against Donald Colleluori [Doc. 30].<sup>1</sup> Davis maintains that the Court should sanction Mr. Colleluori because “he continues to file proposed orders onto the last page of his motions and attached to his motions as proposed order to create orders of this Court as if he were the judge” and because he “seeks to disbar me by filing motions alleging professional misconduct against me.” Mot. Sanctions 1.

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<sup>1</sup>Despite Davis’s appeal, the Court retains jurisdiction of the case to enter this order. *See United States v. Green*, 882 F.2d 999, 1001 (5th Cir. 1989) (holding notice of appeal from a non-appealable order does not divest the district court of jurisdiction); *United States v. Hitchmon*, 602 F.2d 689, 693 (5th Cir. 1979) (noting the contrary rule “leaves the court powerless to prevent intentional dilatory tactics, forecloses without remedy the nonappealing party’s right to continuing trial court jurisdiction, and inhibits the smooth and efficient functioning of the judicial process), *superseded on other grounds as recognized in United States v. Martinez*, 763 F.2d 1297, 1308 n.11 (11th Cir. 1985). Davis’s amended notice of interlocutory appeal in this action exclusively purports to appeal either state court orders or orders that were not issued in this action. *See* Am. Notice of Interlocutory Appeal 2–3.

Filing a proposed order along with a motion is not sanctionable conduct. Rather, Local Rule 7.1 requires certain motions to be accompanied by a proposed order. Northern District of Texas L.R. 7.1. Furthermore, Davis has neither identified any attempt by Mr. Colleluori to disbar her nor explained how such an attempt would be sanctionable. Accordingly, the Court denies the motion.

Signed January 21, 2015.

  
David C. Godbey  
United States District Judge